

Applicants: EITRICH et al.
Application No. 08/930,235
Amendment in Response to Office Action dated October 20, 2004

Amendments to the Claims:

The present listing of the claims replaces all past listings of the claims:

Listing of claims

Claims 1-3 (Cancelled).

Claim 4 (Currently Amended) An oil-in-water microemulsion comprising:

- a) an oil phase, said oil phase comprising \leq 11.8% by weight of the microemulsion, and comprising low volatility constituents;
- b) an aqueous phase comprising:
 - i) one or more polyethoxylated oil-in-water emulsifiers; and/or
 - ii) one or more polypropoxylated oil-in-water emulsifiers; and/or
 - iii) one or more polyethoxylated and polypropoxylated oil-in-water emulsifiers;
- c) ~~one or more emulsifiers~~ to a total emulsifier content of less than 20% by weight based on the total weight of the microemulsion;
wherein said microemulsion is transparent or translucent.

Claim 5 (Previously Presented) The microemulsion according to claim 4, which comprises one or more substances having cosmetic or dermatological activity.

Claim 6 (Previously Presented) The microemulsion according to claim 4, which comprises substances soluble or dispersible in water.

Claim 7 (Currently Amended) A process for preparing a microemulsion according to claim 4, said process comprising:

- a) first heating the constituents of the oil phase and constituents of the aqueous phase to a temperature above or within the phase inversion temperature, then mixing constituents of the oil phase, constituents of the aqueous phase, and optionally one or more water-in-oil emulsifiers to form a first mixture;
- b) adding one or more oil-in-water emulsifiers to said first mixture to form a second mixture;
- c) varying at least one parameter so that the second mixture passes through a phase inversion region between water-in-oil microemulsions and oil-in-water microemulsions and is brought into a phase inversion region where the second mixture exists as an oil-in-water microemulsion, wherein the parameter is selected from the group consisting of temperature, and concentration of at least one of the emulsifiers, concentration of the oil phase or and concentration of the aqueous phase
wherein said process is free of a stirring or homogenization step.

Claim 8 (Currently Amended) A process for preparing a microemulsion according

to claim 4, said process comprising:

- a) first heating the constituents of the oil phase and constituents of the aqueous phase to a temperature above or within the phase inversion temperature, then mixing constituents of the oil phase, constituents of the aqueous phase, one or more oil-in-water emulsifiers, and optionally one or more water-in-oil emulsifiers to form a mixture;
- b) forming an oil-in-water emulsion by bringing said mixture to a temperature which is:
 - i) a temperature at which ~~components~~ constituents soluble in the oil phase dissolve or at least melt; or
 - ii) a temperature which corresponds at least to a melting point of the oil phase ~~component~~ constituents having the highest melting point of those ~~components~~ constituents not in a dissolved state; or
 - iii) a temperature which is below a phase inversion temperature range of the mixture; and
- c) cooling said oil-in-water emulsion to room temperature to form an oil-in-water microemulsion

wherein said process is free of a stirring or homogenization step.

Claim 9 (new) The oil-in-water microemulsion of claim 4, wherein said

microemulsion is prepared by:

- a) first heating the constituents of the oil phase and constituents of the aqueous phase to a temperature above or within the phase inversion temperature, then mixing constituents of the oil phase, constituents of the aqueous phase, and optionally one or more water-in-oil emulsifiers to form a first mixture;
- b) adding one or more oil-in-water emulsifiers to said first mixture to form a second mixture;
- c) varying at least one parameter so that the second mixture passes through a phase inversion region between water-in-oil microemulsions and oil-in-water microemulsions and is brought into a phase inversion region where the second mixture exists as an oil-in-water microemulsion, wherein the parameter is selected from the group consisting of temperature, concentration of at least one of the emulsifiers, concentration of the oil phase and concentration of the aqueous phase

wherein said process is free of a stirring or homogenization step.

Claim 10 (new) The oil-in-water microemulsion of claim 4, wherein said

microemulsion is prepared by:

- a) first heating the constituents of the oil phase and constituents of the aqueous phase to a temperature above or within the phase inversion

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temperature, then mixing constituents of the oil phase, constituents of the aqueous phase, one or more oil-in-water emulsifiers, and optionally one or more water-in-oil emulsifiers to form a mixture;

- b) forming an oil-in-water emulsion by bringing said mixture to a temperature which is:
 - i) a temperature at which constituents soluble in the oil phase dissolve or at least melt; or
 - ii) a temperature which corresponds at least to a melting point of the oil phase constituents having the highest melting point of those constituents not in a dissolved state; or
 - iii) a temperature which is below a phase inversion temperature range of the mixture; and
- c) cooling said oil-in-water emulsion to room temperature to form an oil-in-water microemulsion,

wherein said process is free of a stirring or homogenization step.

Claim 11. (New) The oil-in-water microemulsion of claim 4, wherein the total emulsifier content comprises one or more water-in-oil emulsifier(s).